IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1500 OF 2007
IN
EXECUTION APPLICATION NO.493 OF 2006
IN
SUMMONS FOR JUDGMENT NO.135 OF 2006
IN
SUMMARY SUIT NO.3092 OF 2005

Naresh Tribhuvan Wadhel. ..Plaintiff.

V/s.

Shanil Builders & Ors. ..Defendants.

Mr.B.K.Karle for plaintiff.

Mr.Shreepad Murthy for defendant No.3.

CORAM: A.M.KHANWILKAR,J
DATE : APRIL 27, 2007.

P.C. :

1. By consent, this Motion is made absolute in terms of prayer clause(a), on condition that the defendants shall deposit the sum of Rs.1,00,000/-(Rs.One Lakh only) in this Court within four weeks from today. It is made clear that if the amount is not deposited within the specified time, office to proceed on the basis that this Motion has been dismissed for non-prosecution. If the amount is deposited in time, the same be invested in Fixed Deposit in any Nationalised Bank initially for a period of one year.

2. It will be open to the plaintiffs to take out application for permission to withdraw the amount, which will be considered on its own merits.

3. Notice of Motion disposed off on the above terms.